

## **CC Docket No. 94-102 – September 2005 E911 Interim Report**

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**Date:** September 1, 2005

**To:** Marlene H. Dortch, Secretary  
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**By Electronic Submission:**

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## TIER III CARRIER INTERIM REPORT

Due September 1, 2005

CC Docket No. 94-102

Key Communications, L.L.C. ("Key") hereby submits its E911 Interim Report, pursuant to *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, CC Docket No. 94-102, *Order*, 20 FCC Rcd 7709, 7771 ¶172 (2005) ("Order").

### Carrier Identifying Information:

**Carrier Name:** Key Communications, L.L.C. – FRN 0005 4134 63

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### E911 Implementation Information:

Key is a small wireless carrier serving only rural or other less-densely populated areas. Key hereby reports as follows:

- Key has received nine Phase I requests and nine Phase II requests. Key has received requests from PSAPs in Cabell, Fayette, Kanawha, Mercer, Putnam, Raleigh, Roane, and Wayne Counties (all in West Virginia), and from Boyd County in Kentucky. Key has obtained and installed all of the network equipment and software necessary to meet the Phase I requests, has installed land lines between the switch and the requesting PSAPs for Phase I deployment, and is compliant with all Phase I requests. Key did not encounter any problems in meeting the PSAPs' Phase I requests.
- As discussed in Key's last interim report, Key decided to move to a hybrid network/handset -based GSM solution called TA/NMR, being developed by Nortel Networks (TA/NMR stands for Timing Advance/Network Measurement Report). Nortel advised Key that testing was moving forward on the TA/NMR system, including the A-GPS handsets, and that although exceedingly expensive,

that system would work.<sup>1/</sup> (Nortel never specifically promised that TA/NMR would meet the location accuracy requirements of §20.18 of the Commission's Rules, but neither have any other vendors.) In fact, there were no A-GPS handsets, not even prototypes in testing, contrary to what Key was being told.

Key began searching for these handsets, but both Motorola and Nokia denied having any such handsets for sale, or even in development. Then on May 12, 2005, Nortel invited Key to participate in a conference call to review the status of Motorola A-GPS handsets. In the conference call, Key confronted Nortel with the information it recently had received from Motorola and Nokia stating that there were no A-GPS handsets in development, hoping that Nortel's technical representative had more knowledge of the situation than the Motorola or Nokia sales departments. However, Nortel simply confirmed that there were no A-GPS handsets in development, and its prior statements about testing taking place had been inaccurate.

Although officially committed to TA/NMR, Key also has continued to explore alternatives, both because the TA/NMR system is so exceedingly expensive that Key cannot afford it without vendor or government financing, and because no system is a sure thing while it remains in development. Therefore, Key has met with and reviewed proposals from a variety of vendors of network-based E911 solutions claiming to have developed new features that would enable these systems to work in more rural areas than before. These other proposals did not appear to provide viable alternatives to the TA/NMR solution, and were just as expensive as, if not more expensive than the TA/NMR solution.<sup>2/</sup>

From August 29, 2005 through September 2, 2005, a representative of Key will be attending a meeting with Motorola in Chicago, during which Key's

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<sup>1/</sup> Key continued to press Nortel not only for updates on technical developments, but also on the pricing and financing fronts. Nortel provided updated price quotes, but they are not significantly different than the earlier Nortel price quotes, and remain beyond Key's means, unless outside financing is provided. Copies of the updated price quote is attached to the July 15, 2005 "Confidential Materials Submitted in Support of Petition for Waiver of Deadlines for Implementation of Phase II E911" (hereinafter, "Confidential Materials Filing") submitted jointly by Key and Keystone Wireless, LLC ("Keystone").

<sup>2/</sup> For a detailed discussion of these alternative technical proposals, *see* page 8 of the July 15, 2005 "Petition for Waiver of Deadlines for Implementation of Phase II E911", filed jointly by Key and Keystone. *See, also*, the Confidential Materials Filing.

representative will again raise the issues of development and availability of A-GPS handsets.

- While exploring all these different technical avenues, Key also has pursued multiple financing possibilities. Every equipment vendor was asked about vendor financing, but none was willing to provide Key with such financing. The possibility of cost-recovery financing was explored, but was found to be a dead end. West Virginia made the policy decision not to provide cost recovery to carriers under any circumstances – all wireless subscriber 911 contributions are to be spent solely on and by the PSAPs. Key also has explored the possibility of obtaining debt funding from the Rural Telephone Bank and the Rural Utility Service (collectively, “RUS”), but this funding appears not to be feasible. Aside from the fact that one would first have to identify infrastructure equipment capable of satisfying Section 20.18 of the Rules (which equipment does not exist), such funding would require complete cross-collateralization and a first priority RUS lien on every asset owned by the borrower (not merely assets acquired using loan funds), including all pre-existing or after-acquired assets, and including any existing infrastructure that might already be subject to any lien to secure pre-existing debt.<sup>3/</sup> Such a loan proposal was not and is not a realistic possibility.
- As previously reported, Key informed the requesting PSAPs of its plan to implement the TA/NMR hybrid Phase II E911 solution, and of the specifics of the two-step implementation process. Key has been in regular communication with the requesting PSAP officials, both indirectly through Intrado and directly. Each PSAP official was advised that Nortel told Key that it was carrying out testing on the A-GPS handsets, each has been apprised that Nortel finally admitted that in fact there are no such handsets currently in development and none have yet been tested, and each has been solicited for their views and suggestions, as well. Specifically, in June of this year, Key invited each PSAP in every county in the State of West Virginia (including those PSAPs that had submitted Phase II E911 requests) and the PSAP in Boyd County, Kentucky, to an informational meeting held to discuss the current status of and Key’s future plans for deployment of Phase II E911. Only representatives from four West Virginia counties and the West Virginia Public Service Commission attended the meeting. Subsequent to the meeting, Key sent written materials containing the information presented at the meeting to all of the PSAPs not in attendance.

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<sup>3/</sup> A copy of the proposed term sheet put forth by RUS is attached to the Confidential Materials Filing as Exhibit C-1.

The PSAP officials are acutely aware of the challenges facing carriers and PSAPs in the mountainous terrain which characterizes the State of West Virginia, and where each of the 55 counties has its own separate PSAP. The one official who works on wireless E911 implementation from a statewide standpoint is Mr. Dannie L. Walker, Technical Analyst with the West Virginia Public Service Commission. Mr. Walker recently expressed to Key his desire that “wireless carriers use their limited infrastructure procurement funds for expanded coverage rather than for Phase II facilities.”<sup>4/</sup>

Cabell County was the first county to submit a Phase II request to Key. Cabell County had previously extended Key’s deadline for implementation of Phase II, and in light of the continued absence of any GSM-technology location-capable handsets, has extended that implementation deadline for another six months<sup>5/</sup>, until January 1, 2006, stating that the PSAP is “convinced the company [Key] is making every effort to comply with the FCC mandate.”<sup>6/</sup>

Similarly, Mercer County has extended Key’s deadline for implementation of Phase II E911 for six months, until January 1, 2006. As the Mercer County 911 Director explained to Key in an e-mail sent June 29, 2005: “In discussions with the other 911 Directors in the southern part of WV, it is our consensus that we would rather a caller be able to make a 911 Emergency call than to have the exact location of the caller.”<sup>7/</sup> The other 911 Directors referred to in the above-referenced e-mail are the 911 Directors for the Fayette County OES and the Raleigh County Emergency Services, the involved PSAPs in southern West Virginia. While each of these two PSAPs submitted Phase II E911 requests, neither of them has actively pursued the Phase II E911 implementation deadline with Key.

Key has attempted to contact the only other PSAP that has actively pursued the implementation deadline for Phase II E911, Metro Emergency Operations in Kanawha County, with respect to extending the deadline. The subject PSAP’s director was unable to attend the June meeting due to illness, but was subsequently provided with the information presented at the meeting. Key’s

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<sup>4/</sup> See Exhibit A-1 to the Petition for Waiver.

<sup>5/</sup> West Virginia PSAP jurisdictions grant extensions in increments of six months.

<sup>6/</sup> See Exhibit A-2 to the Petition for Waiver.

<sup>7/</sup> See Exhibit A-3 to the Petition for Waiver.

attempts since the meeting to contact this PSAP's director to discuss the matter have, to date, been unsuccessful. Key is continuing its efforts in this regard.

With regard to the remaining PSAPs that made Phase II E911 requests (*i.e.*, Putnam, Roane, and Wayne Counties in WV, and Boyd County in KY), to date none of them have made any inquiries since submission of their requests, much less actively pursued implementation of Phase II E911, they did not attend the June meeting, and they have not responded to any of Key's efforts to contact them since the meeting.

- For the reasons discussed above, Key does not anticipate that Phase II E911 service will be available in its network in the near future. As previously noted, Key has a request pending with the Commission for a waiver of the Phase II implementation deadlines. Also, Nortel will not guarantee that even after Key fully implements the hybrid solution it will be able to meet all of the E911 Phase II accuracy requirements under §20.18(h) of the Commission's Rules, *i.e.*, Key may not reach the requisite 67% and 95% accuracy requirements prescribed by §20.18(h)(1) or (2)<sup>9/</sup> of the rules because its market is very rural or less densely populated. Therefore, Key may have to seek a waiver of the Phase II accuracy requirements under §20.18(h) in the future.
- With regard to meeting the ultimate implementation date of December 31, 2005, see above.

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<sup>9/</sup> Because Nortel's Phase II solution is a hybrid network/handset-based solution, it is unclear whether §20.18(h)(1), which is applicable to network-based technologies, or §20.18(h)(2), which is applicable to handset-based technologies, would apply.